

Message Text

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FROM USDEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: MARINE SCIENTIFIC RESEARCH, THIRD COMMITTEE

WORKING GROUP - 13 APRIL

1. ENGLISH TRANSLATION OF PERUVIAN AMENDMENTS TO SNT TECHNOLOGY
TRANSFER ARTICLES INTRODUCED IN SPANISH ON 9 APRIL WAS
DISTRIBUTED AT BEGINNING OF 13 APRIL MEETING OF WORKING GROUP.
MOST IMPORTANT AMONG SEVERAL PERUVIAN AMENDMENTS WERE ARTICLES
6, 11 AND A NEW ARTICLE 12:

ARTICLE 6

STATES, EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL
ORGANIZATIONS, SHALL PROMOTE THE ESTABLISHMENT OF GENERALLY
APPLICABLE GUIDELINES TO FURTHER THE TRANSFER OF MARINE
TECHNOLOGY AND OTHER WORK IN THE FIELD OF TRANSFER OF
TECHNOLOGY IN ORDER TO SERVE THE INTERESTS AND MEET THE NEEDS
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OF THE DEVELOPING STATES; THE GUIDELINES SHALL, WITHOUT

PREJUDICE TO THE LEGITIMATE INTERESTS OF HOLDERS OF TECHNOLOGY,
TAKE THE FOLLOWING INTO ACCOUNT IN SO FAR AS RELATES TO THE
RECIPIENT STATE:

- (A) RESPECT FOR THE PERMANENT SOVEREIGNTY OF THE SAID
STATE OVER ITS WEALTH, NATURAL RESOURCES AND OTHER
ECONOMIC ACTIVITIES;
- (B) THE ELIMINATION OF RESTRICTIVE COMMERCIAL PRACTICES
OR MONOPOLISTIC ACTIVITIES;
- (C) CONTRIBUTING TO THE DEVELOPMENT OF THE SCIENTIFIC
AND TECHNOLOGICAL CAPACITY OF THE RECIPIENT STATE AND TO
THE MORE EFFECTIVE ACHIEVEMENT OF ITS NATIONAL POLICIES.

ARTICLE 11

...

- (H) PUBLICIZING NATIONAL POLICIES WITH REGARD TO THE
TRANSFER OF TECHNOLOGY AND SYSTEMATIC COMPARATIVE STUDY
OF THOSE POLICIES;
- (I) COMPILATION AND SYSTEMATIZATION OF INFORMATION ON THE
MARKETING OF TECHNOLOGY AND ON CONTRACTS AND OTHER ARRANGE-
MENTS CONCERNING PATENTS;
- (J) TECHNICAL CO-OPERATION WITH OTHER COUNTRIES OF THE
REGION.

ARTICLE 12

SETTLEMENT OF DISPUTES

WITHOUT PREJUDICE TO THE PROCEDURES FOR THE SETTLEMENT
OF DISPUTES ESTABLISHED IN CHAPTER ... OF THIS
CONVENTION, DISAGREEMENTS AND DISPUTES DERIVING FROM THE
TRANSFER OF TECHNOLOGY SHALL BE SUBJECT TO THE EXCLUSIVE
JURISDICTION OF THE LAW AND OF THE COURTS OF THE
RECIPIENT STATE.

SEVERAL MEMBERS OF THE GROUP OF 77 SPOKE IN GENERAL
SUPPORT OF THE PERUVIAN AMENDMENTS. HOWEVER, INDIA AND
YUGOSLAVIA, ALTHOUGH SPEAKING IN GENERAL SUPPORT OF PERU,
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RESERVED POSITIONS ON PERUVIAN ARTICLE 12.

2. SEVERAL MEMBERS OF GROUP OF 77 URGED DELETION OF
ARTICLE 2 BECAUSE IT WAS UNBALANCED IN FAVOR OF THE
SUPPLIERS OF TECHNOLOGY. AUSTRALIA, FRANCE, IRELAND AND
THE NETHERLANDS SPOKE IN FAVOR OF THE RETENTION OF ARTICLE
2, STATING THAT IT PROVIDED BALANCE TO THE TEXT AS A
WHOLE BECAUSE THE INTERESTS OF STATES RECEIVING

TECHNOLOGY TRANSFER WERE ADEQUATELY DEALT WITH IN THE
OTHER TECHNOLOGY TRANSFER ARTICLES.

3. FRANCE AND THE GERMAN DEMOCRATIC REPUBLIC CONSIDERED
ARTICLE 9 TO BE WITHIN THE MANDATE OF COMMITTEE I.
AUSTRALIA CONSIDERED ARTICLE 9 TO BE WITHIN THE MANDATE
OF COMMITTEE III, BUT SUGGESTED AN AMENDMENT TO THE
CHAPEAU THAT WOULD RECOGNIZE THE RIGHTS OF THE STATES
THAT SUPPLY TECHNOLOGY.

4. NEXT MEETING OF MARINE SCIENTIFIC RESEARCH WORKING
GROUP ON 15 APRIL.
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